

matter where they attend—public, private, faith-based, charter, whatever it may be—it is a child whose parent is a taxpayer. Education is important, and they should all be treated the same.

Childcare issues are at the top of the list as well. Childcare facilities are out there in desperate need right now and are open and functioning. They can't have the worker or job ratio they used to have, but the costs are still the same. We need to get additional flexibility to our States. In my State—many entities within my State still have additional dollars left over from the CARES Act. So \$1.5 billion came to the State of Oklahoma through the CARES Act. That is an enormous amount of money. They are still working through to be able to handle it efficiently, how they are going to manage that. Thankfully, most towns in my State have had sales tax revenue that has gone up this year. That is not true for all of it, but for many of them, it has been. Their expenses have also gone up.

So the challenge at this point would be, how can we get the States maximum flexibility with the dollars they have to make sure they don't have to squander those funds quickly just to be able to get it done because the deadline to use them is December 31? More flexibility would be a good gift both to do wise spending and to be able to give them greater flexibility in the days ahead. That would be for States, counties, cities, and Tribes.

We should allow for the reprogramming of funds. Interestingly enough, the Paycheck Protection Program had about \$130 billion left over in it when it expired. We all gave it a lot of money not knowing how much would be needed for small businesses, but the vast majority of small businesses that could take it were able to take it. There are many, as I mentioned before, that are wanting to do a second round with it. The best way to do that is to reprogram the unused funds that are there. That would be more efficient. The Federal Reserve has unused funds in the hundreds of billions of dollars. We should cancel out those programs and reuse those funds. That is a wise use of funds to make sure we are not squandering American tax dollars.

Every single dollar that is spent on COVID-19 right now is debt money. So we should pay attention to all of those issues of debt money, knowing that we need to be careful with other people's money.

There are things that we need to do in the next 10 days here as well as to have conversations in private and in public, like this, to say: Let's get it done. Let's finish the tasks that we need to get done.

TRIBUTE TO CORY GARDNER

Madam President, I would like to take one moment of personal privilege.

About an hour ago, while sitting in this chair behind me, I had the opportunity to listen to a friend speak on the Senate floor for the last time, my friend CORY GARDNER.

CORY GARDNER and I came to the House of Representatives together in 2011. We became fast friends for his winning smile and his tenacious work ethic. He is a solid guy for whom I have great respect. We came to the Senate together at the same time as well. We served 4 years in the House together and now have served 6 years in the Senate together. He just lost his election in November, and he will be heading back to Colorado. I will miss my friend.

CORY and I had a lot of great conversations about a lot of legislation. We had a lot of conversations about our families. During the times that we would occasionally sit side by side in Bible studies here, we had lots of time to talk. I will not forget one key moment, though. It was our first day in the U.S. Senate, in this Chamber, when one of the staff approached us and said: The two of you have the same number of years in the House of Representatives, and you are both coming in from the same class to the Senate, which means you are tied for seniority in the Senate, and your seniority has to be resolved by a coin toss.

So CORY and I stood there, side by side, while we flipped a coin. I won, and I rubbed it in to him for 6 years that I had seniority over him in the U.S. Senate.

As I sat and listened to him speak for the last time today and talk about patriotism and his incredible love for his State and his country, all I could think of was, this is the guy I have seniority over, my friend, whom I will miss here.

CORY, thank you for being a great servant of the people of Colorado and a fantastic workaholic, happy warrior Senator.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

NOMINATION OF NATHAN A. SIMINGTON

Mr. BLUMENTHAL. Madam President, in just a few moments, we will vote on the nomination of Nathan Simington to be a member of the Federal Communications Commission. We will do so in the middle of a pandemic when this agency is of more importance than ever to students, businesses, and families who are vitally dependent on broadband, on the consumer protection that this agency provides, and to net neutrality, which is a vital issue for them and for our country.

"Nathan Simington" is not exactly a household word, but his name and his presence on the FCC will have important meaning to households around the Nation; nor is the "FCC" a household word, but it, too, affects literally hundreds of millions of households. The FCC will have an increasingly important role in this Nation as we conquer the pandemic and deal with the economic crisis that faces this Nation.

There are 15 to 16 million students who are locked out of the internet because of the unavailability of broadband connectivity or devices that make the internet real in their lives.

The FCC is the key to their participating in schools, and it is the key to businesses being able to communicate with customers. The FCC is at the crossroads of making rights real. Nathan Simington is dangerous to those rights and to the FCC at this moment in history.

Why is he the nominee? The answer is that the current FCC Commissioner, Michael O'Rielly, was originally nominated for another term, and the Commerce Committee even held a vote for him in July. Yet, after Twitter and Facebook had the temerity to label Donald Trump's misinformation about voting and COVID-19, the President issued an Executive order that had the simple purpose of retaliating against these social media platforms. The President, in effect, demanded that the FCC revise section 230 of the Communications Decency Act in order to punish those companies for the mild inconvenience of a fact check. They didn't take down his posts; they said they needed to fact check them.

Commissioner O'Rielly recognized the dangers and the potential illegality of the President's Executive order. Again, he had the temerity to speak up and tell the American public on C-SPAN that he had "deep reservations" if they, meaning Congress, "provided any additional authority for the FCC in this matter." In a later speech, he appeared to challenge the order on First Amendment grounds, which it well-deserved, in fact, because it potentially violated the First Amendment.

Despite years of a pristine record of Republican positions, this objection now was disqualifying to Commissioner O'Rielly in the view of the White House. The President pulled his nomination and substituted Mr. Simington, who was well qualified, for he had auditioned for the role of doing the President's bidding. We know Mr. Simington tried to pressure the FCC to cave in to the White House and to rightwing media outlets on this very issue, section 230. It is an unprecedented assault on the integrity and independence of the FCC, and he was clearly the White House's wingman on this issue.

Very simply, Nathan Simington is the wrong person and is clearly the wrong person at the wrong time for the FCC. He is unprepared and unqualified. Last month, before the Senate Commerce Committee, he was asked about his plan for the FCC. He couldn't provide one single measure for which he would advocate. He couldn't answer even basic questions from Democrats and Republicans. His answers were inadequate, incomplete, and evasive. I asked him again, in the questions for the record, to say three steps that he would take to provide and prepare for those millions of students who are out of the classroom and lack connectivity to the internet, which now is like lacking connection to the classroom. A student without that connectivity is, in effect, barred from the classroom. He

couldn't provide one meaningful response or step, even in writing, and that is plainly alarming. It should be disqualifying.

This nomination, though, is dangerous on more than any single issue because it threatens the independence and political integrity of the FCC. The political independence and integrity of the FCC depend on its balance. Normally, nominations are paired politically to reflect the bipartisan balance of the agency. What we will have at the FCC now is potential gridlock.

One month ago, voters overwhelmingly elected a new President, and he has promised to close the homework gap, the digital divide, to reinstate net neutrality, and to renew our commitment to consumer protection. This nomination threatens all of those goals for a new administration. In fact, the Senate has traditionally moved these nominations in bipartisan pairs, which is lacking here. In fact, it is contradicted by this nomination.

I think the purpose of confirming this nominee, very simply, is to deadlock the Commission and undermine the President-elect's ability to achieve the mandate the American people have given him and his administration in going forward. That may be what the giant telecommunications industry wants. It may be what the media companies hope to achieve—an FCC that is absent or neutralized, an FCC that is gridlocked and dysfunctional. I hope it is not the result of this nomination if he is confirmed, but my fear is that it will be, and if it is, this body bears a responsibility.

I urge my colleagues to vote against this nominee for the sake of those 16 million students who are now lacking in having a connection to the internet. That connectivity is essential to their lives and their educational progress. I urge this body to vote against him because he is dangerous to an agency that is supposed to be independent and above politics.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Madam President, I ask unanimous consent that the Schwartz vote begin now, some 2 minutes early.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Stephen Sidney Schwartz, of Virginia,

to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

#### VOTE ON SCHWARTZ NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the Schwartz nomination?

Mr. WICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER (Mr. CASIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 256 Ex.]

#### YEAS—49

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Graham	Romney
Boozman	Grassley	Rubio
Braun	Hawley	Sasse
Burr	Hoeven	Scott (FL)
Capito	Hyde-Smith	Scott (SC)
Cassidy	Inhofe	Shelby
Collins	Johnson	Sullivan
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Cramer	Lee	Toomey
Crapo	McConnell	Wicker
Cruz	Moran	Young
Daines	Murkowski	
Enzi	Paul	

#### NAYS—47

Baldwin	Heinrich	Rosen
Bennet	Hirono	Sanders
Blumenthal	Jones	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

#### NOT VOTING—4

Harris	Perdue
Loeffler	Rounds

The nomination was confirmed.

#### EXECUTIVE CALENDAR

##### VOTE ON SIMINGTON NOMINATION

The PRESIDING OFFICER. All postcloture time is expired.

The question is, Will the Senate advise and consent to the Simington nomination?

Mr. LANKFORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 257 Ex.]

#### YEAS—49

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Graham	Romney
Boozman	Grassley	Rubio
Braun	Hawley	Sasse
Burr	Hoeven	Scott (FL)
Capito	Hyde-Smith	Scott (SC)
Cassidy	Inhofe	Shelby
Collins	Johnson	Sullivan
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Cramer	Lee	Toomey
Crapo	McConnell	Wicker
Cruz	Moran	Young
Daines	Murkowski	
Enzi	Paul	

#### NAYS—46

Baldwin	Heinrich	Rosen
Bennet	Hirono	Sanders
Blumenthal	Jones	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Wyden
Gillibrand	Peters	
Hassan	Reed	

#### NOT VOTING—5

Harris	Perdue	Whitehouse
Loeffler	Rounds	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Oklahoma.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.